

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|                                     |   |                    |
|-------------------------------------|---|--------------------|
| MICHAEL W. HARRIS, <u>et al.</u> ,  | : |                    |
| Plaintiffs,                         | : |                    |
| vs.                                 | : | Case No. 1:01cv428 |
| PURDUE PHARMA L.P., <u>et al.</u> , | : | Judge Spiegel      |
| Defendants.                         | : |                    |

**SUPPLEMENTAL AFFIDAVIT OF PHILLIP J. SMITH**

STATE OF OHIO            )  
                                  )  
COUNTY OF HAMILTON )

Phillip J. Smith, being first duly cautioned and sworn, hereby deposes and says:

1. I am a member of the bar of this Court and a partner of the firm of Vorys, Sater, Seymour and Pease LLP, counsel in the above-entitled action to defendants Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Purdue Pharmaceuticals L.P., The P.F. Laboratories, Inc., and PRA Holdings, Inc.<sup>1</sup> (collectively, the "Purdue Defendants"). I make this affidavit in opposition to Plaintiffs' Motion for Class Certification to put before the Court additional medical records of the plaintiffs that the Purdue Defendants have collected to date through the use of medical authorizations.

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<sup>1</sup> Partners Against Pain, named in the caption, is not a corporate entity, but is instead a program instituted by Purdue to address issues of proper pain management.

2. Medical records are currently being collected on a rolling basis as new providers are identified. Counsel for the Purdue Defendants continues to receive additional records and identify new providers.

3. Filed with this Affidavit are the following records pertaining to plaintiff James L. Betleyoun: pharmacy records from Klein's Pharmacy & Orthopedic Devices, Inc. (bates numbered 500702.006.0001 through 500702.006.0005); and records from Cuyahoga Falls General Hospital (bates numbered 500702.010.0001 through 500702.010.0033).


4. Filed with this Affidavit are the following records pertaining to plaintiff Ronald Fantozzi: records from Ataollah Letafati, M.D. (bates numbered 500685.023.0001); Luke W. Ballenger, III, M.D. (bates numbered 500685.022.0001 through 500685.022.0006); Maine Cardiology Associates (bates numbered 500685.098.0001 through 500685.098.0002); St. Mary's Regional Medical Center (bates numbered 500685.011.0001 through 500685.011.0454); DeRosa and Chamberland Eye Care (bates numbered 500685.094.0001 through 500685.094.0008); Neurosurgical Associates (bates numbered 500685.095.0001 through 500685.095.0003); Central Maine Orthopaedics (bates numbered 500685.096.0001 through 500685.096.0006); Community Clinical Services (bates numbered 500684.102.0001 through 500685.102.0006); Maine Medical Center (bates numbered 500685.034.0001 through 500685.034.0034); Central Maine Pulmonary Associates (bates numbered 500685.025.0001); Richard K. Kappelmann, M.D., (bates numbered 500685.029.0001); and Central Maine Medical Center (bates numbered 500685.016.0001).

5. Filed with this Affidavit are the following records pertaining to plaintiff Christopher Wayne Lester: Thomas Memorial Hospital (bates numbered 500688.044.0001); Saghir-Ur Rehman Mir, M.D. (bates numbered 500688.086.0001 through 500688.086.0052);

Montgomery General Hospital (bates numbered 500688.099.0001 through 500688.099.0002); Nolan C. Parsons, Jr., M.D. (bates numbered 500688.133.0001); Corporate Health Services (bates numbered 500688.085.0001 through 500688.085.0056); David Alan Santrock, M.D. (bates numbered 500688.135.0001); George Salem Zakaib, M.D. (bates numbered 500688.119.0001); Logan General Hospital (bates numbered 500688.079.0001); Kominsky Chiropractic (bates numbered 500688.094.0001); Kelly Medical Corporation (bates numbered 500688.126.0001 through 500688.126.0018); Kanawha Valley Radiologists, Inc., (bates numbered 500688.125.0001 through 500688.125.0002); Boone Memorial Hospital (bates numbered 500688.028.0001 through 500688.028.0041); Tony C. Majestro, M.D., (bates numbered 500688.078.0001 through 500688.078.0004); Rosendo Dy, M.D. (bates numbered 500688.005.0001); Medicap Pharmacy records (bates numbered 500688.012.0001 through 500688.012.0004); Sunrise Psychiatric Services, Inc. (bates numbered 500688.129.0001 through 500688.129.0012); Sean C. Senator, D.D.S. (bates numbered 500688.156.0001 through 500688.156.0004); St. Francis Hospital (bates numbered 500688.070.0001 through 500688.070.0020); Kelly Medical Corporation (500688.126.0019 through 500688.126.0020); Boone Homecare Supplies (bates numbered 500688.061.0001 through 500688.061.0112); Eye & Ear Clinic Physicians, Inc. (bates numbered 500688.110.0001 through 500688.110.0006); Day Surgery Center (bates numbered 500688.048.0001 through 500688.048.0003); Charleston Pain Management Consultants, Inc. (bates numbered 500688.017.0001 through 500688.017.0092); Larry's Drive-In Pharmacy (bates numbered 500688.025.0001); Tri-State NeuroScience Center, Inc. (bates numbered 500688.171.0001 through 500688.171.0022); Henry M. Hills, Jr., M.D. (bates numbered 500688.076.0001 through 500688.075.0011); Luis Alberto Loimil, M.D. (bates numbered 500688.018.0001 through 500688.018.0005); Intracorp records (bates numbered

500688.112.0001 through 500688.112.0002); and records of Madison Medical Group (bates numbered 500688.015.0001 through 500688.015.0643).

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Phillip J. Smith

Sworn to and subscribed before me this 17<sup>th</sup> day of September 2003.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**TERRI REYERLING ABARE, Attorney at Law**  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration  
date, Section 147.03 O.R.C.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2003, I electronically filed the foregoing with the Clerk of the Courts by using the CM/ECF system, which will send notification of such filing to the following:

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I further certify that I am providing notice of this filing by regular United States mail, postage prepaid, upon the following non-CM/ECF participants:

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